

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

JESSICA BLINKHORN,

Plaintiff,

v.

JOHNNY MERCER PROPERTIES, LLC,

Defendant,

v.

WILMINGTON MEXICN FOODS, LLC d/b/a  
RIO BRAVO MEXICAN RESTAURANT; and  
LUIS GOMEZ,

Third-Party Defendants.

CIVIL ACTION NO.: 4:22-cv-173

**O R D E R**

On November 9, 2022, after observing that Plaintiff and Defendant had not complied with their duties under Fed. R. Civ. P. 26(f) and S.D. Ga. L. R. 26.1(b), the Court ordered counsel for those parties to show cause why this case should not be dismissed for want of prosecution or why the answer of Defendant should not be stricken due to the parties' failure to timely file a Rule 26(f) Report. (Doc. 12, p. 1.) The Court additionally ordered counsel for the parties to hold their Rule 26(f) Conference within seven days of the date of the order, and to file a Rule 26(f) report within seven (7) days of the date of the conference. (Id. at p. 2.)

In their jointly-filed Response, Plaintiff and Defendant cite a severe illness in Defendant's counsel's family as the reason for the delay in conducting the Rule 26(f) conference. (Doc. 14, p. 1.) They also report that they held a Rule 26(f) conference on November 18, 2022, and that they have since reached a settlement in principle of all claims that they have asserted—or could have

asserted—against each other in the action. (Id.) They ask the Court to “allow sixty (60) days within which to complete their aforementioned settlement, during which time they further request that the Court retain jurisdiction over this matter until fully resolved, at which time Plaintiff and Defendant will file a Stipulation of Dismissal with Prejudice of all claims which [they] either asserted, or could have asserted, against the other. The filing of this Joint Notice is not intended by the Parties to be construed to have any dispositive effect or evidentiary bearing on the merits of Defendant’s Third-Party action against Wilmington Mexican Foods, LLC, and Luis Gomez.”<sup>1</sup> (Id. at pp. 1–2.)

In light of the foregoing, the Court **STAYS** all deadlines and discovery in this case for **SIXTY (60) DAYS**. Within **SEVEN (7) DAYS** of the date the stay is lifted (either upon the filing of a joint stipulation of dismissal of fewer than all parties in this action or upon the 60-day expiration of the stay if no dismissal is filed), counsel for any parties remaining in the case at that time shall hold their Rule 26(f) Conference (in person or telephonically), and they shall file their required Rule 26(f) Report within **SEVEN (7) DAYS** of the date of the conference.

**SO ORDERED**, this 28th day of November, 2022.



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R. STAN BAKER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA

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<sup>1</sup> Since the entry of the Court’s show cause Order, Third-Party Defendant Luis Gomez has filed an Answer as well as a cross claim against Wilmington Mexican Foods, (doc. 13).